



#15BAC

MAIL STOP PETITION
PATENT

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Simo TAIMELA

Office of Petitions

Patent No. 6,454,680

Issued September 24, 2002

Application Serial No. 09/582,718

APPARATUS FOR EXERCISE AND/OR REHABILITATION
OF NECK EXTENSORS

RECEIVED

OCT 12 2004

OFFICE OF PETITIONS

PETITION UNDER 37 CFR \$1.182

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 7, 2004

Sir:

The above-captioned Application Serial No. 09/582,718 resulted in U.S. Patent No. 6,454,680. Such application was filed as the 35 USC §371 national stage of International application PCT/FI98/01024 filed on December 28, 1998, which claimed priority of a prior Finnish Application No. 974645 filed on December 30, 1997.

However, the U.S. patent issued without the foreign application priority data on the front page.

On October 1, 2002, Petitioner filed a Petition for Certificate of Correction, requesting that a Certificate be issued correcting the error, whereby the title page of the U.S. patent would include between Items (87) and (51) a new Item (30) as follows:

--(30) **Foreign Application Priority Data**

Dec. 30, 1997 (FI).....974645--.

In a Decision dated December 9, 2002, the Certificate of Corrections Branch denied Petitioner's request pointing out that the alleged error on the front page of the U.S. patent resulted from applicant's failure to fully comply with 35 USC §119, requiring that both a claim for priority and a certified copy of the foreign application be filed for a patent to issue with such information.

On September 3, 2004, Petitioner filed another Petition for Certificate of Correction, pointing out that the claim for priority of the Finnish application was made by applicant in the originally filed Application Data Sheet of June 30, 2000, as was evidenced by a copy of such Application Data Sheet. Moreover, with respect to the actual certified copy of the earlier Finnish application, it was pointed out that in accordance with §1893.03(c) of the Manual of Patent Examining Procedure, the requirement in PCT Rule 17 for a certified copy of the foreign priority application is normally fulfilled by applicant providing a certified copy to the receiving Office or to the International Bureau within sixteen months from the priority date. Subsequently, the International Bureau forwards a photocopy of the certified priority document, when it forwards a copy of the international application to each Designated Office including the United States.

In the instant case, the United States Designated Office was in receipt of the Finnish priority document, as is

evidenced by the Notification of Acceptance of Application Under 35 USC 371 mailed out by the USPTO on August 2, 2000.

Consequently, applicant had fully complied with 35 USC §119 in that both a claim for priority, as well as a certified copy of the Finnish application were present in the application.

On September 22, 2004, the Certificate of Corrections Branch inexplicably reiterated its position pointing out that the alleged error on the front page of U.S. Patent No. 6,454,680 resulted from applicant's failure to fully comply with 35 USC §119, which requires that both a claim for priority and a certified copy of the foreign application be filed for a U.S. patent to issue with such information.

It is readily apparent that the Certificate of Corrections Branch did not fully appreciate Petitioner's remarks advanced in the Petition for Certificate of Correction filed on September 3, 2004. The Decision of September 22, 2004 suggested that relief could be sought by filing a Petition Under 37 CFR §1.182 in the Office of Petitions. Hence, the instant Petition.

The Commissioner is hereby authorized to charge Counsel's Deposit Account No. 25-0120 the requisite 37 CFR 1.17(h) petition fee of \$130 under fee code 1460. However, since it is Petitioner's firm belief that the error was on the part of the USPTO or the Printer, **no fee is believed due**. Consequently, the Office of Petitions should treat the instant Petition under the provisions of 37 CFR §1.181, and not debit Counsel's Deposit Account any petition fee.

For the convenience of the Office of Petitions, a complete copy of the Petition for Certificate of Correction which was previously filed on September 3, 2004 accompanies the instant Petition.

Respectfully submitted,

YOUNG & THOMPSON

By *Benoît Castel*
Benoît Castel
Attorney for Patentee
Registration No. 35,041
745 South 23rd Street
Arlington, VA 22202
Telephone: 703/521-2297

BC/lrs



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

Simo TAIMELA

Office of Publications

Patent No. 6,454,680

Certificate of Corrections
Branch

Issued September 24, 2002

Attn: Cecelia Newman

APPARATUS FOR EXERCISE AND/OR
REHABILITATION OF NECK EXTENSORS

PETITION FOR CERTIFICATE OF CORRECTION

RECEIVED

OCT 12 2004

OFFICE OF PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 3, 2004

Sir:

It is respectfully requested that a certificate be issued, correcting the following error:

On the title page, between Items (87) and (51) insert Item (30) as follows:

--(30) Foreign Application Priority Data

Dec. 30, 1997 (FI).....974645--.

REMARKS

The present application is the 35 USC §371 national stage of International application PCT/FI98/01024 filed on December 28, 1998, which claimed priority of prior Finnish Application No. 974645 filed on December 30, 1997, as is evidenced by the accompanying Official Filing Receipt, and the Application Data Sheet filed on June 30, 2000.

In an earlier Decision, the Office of Petitions denied patentee's request for a Certificate of Correction for incorporation of the foreign application priority data. In such

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Decision, the Office of Petitions indicated that patentee had allegedly failed to comply with 35 USC §119, which requires that both a claim for priority and a certified copy of the foreign application be filed for a patent to issue with such information.

As was pointed out above, the claim for priority was made by applicant in the originally filed Application Data Sheet of June 30, 2000. Another copy of such Application Data Sheet is enclosed.

Concerning the actual certified copy of the earlier Finnish application, it is respectfully pointed out that in accordance with the accompanying pages 1800-195 and 196 of the Manual of Patent Examining Procedure, the requirement in PCT Rule 17 for a certified copy of the foreign priority application is normally fulfilled by applicant providing a certified copy to the receiving Office or to International Bureau within sixteen months from the priority date. Subsequently, the International Bureau forwards a photocopy of the certified priority document when it forwards a copy of the international application to each Designated Office including the United States.

In the instant case, the United States Designated Office was in receipt of the Finnish priority document, as is evidenced by the accompanying Notification of Acceptance of Application Under 35 USC 371 mailed out by the USPTO on August 2, 2000.

In view of the above, it is evident that applicant fully complied with 35 USC §119, in that a claim for foreign

TAIMELA Patent No. 6,454,680

priority was made, and the certified copy was indeed acknowledged to have been received by the USPTO. Accordingly, it is respectfully submitted that a Certificate of Correction is in order, and the same is earnestly solicited.

As the error was on the part of the United States Patent and Trademark Office or the Printer, no fee is believed due.

Respectfully submitted,

YOUNG & THOMPSON

By Benoît Castel
Benoît Castel
Attorney for Patentee
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FILING RECEIPT



OC000000005313768

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: ASSISTANT SECRETARY AND
COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/582,718	06/30/2000	3764	970	13530J	6	12	1

000466
YOUNG & THOMPSON
745 SOUTH 23RD STREET 2ND FLOOR
ARLINGTON, VA 22202

Date Mailed: 08/10/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

SIMO TAIMELA, VANTAA, FINLAND;

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A 371 OF PCT/FI98/01024 12/28/1998

Foreign Applications

FINLAND 974645 12/30/1997

If Required, Foreign Filing License Granted 08/10/2000

Title

APPARATUS FOR EXERCISE AND/OR REHABILITATION OF NECK EXTENSORS

Preliminary Class

482

Data entry by : BARRETO, NGA

Team : OIPE

Date: 08/10/2000



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INVENTOR INFORMATION

Inventor One Given Name:: SIMO
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Postal Address Line One:: KOYHAMAENTIE 19
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Country:: FINLAND
City of Residence:: VANTAA
Country of Residence:: FINLAND
Postal or Zip Code:: FIN-01510
Citizenship Country:: FINLAND

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State or Province:: VIRGINIA
Country:: U.S.A.
Postal or Zip Code:: 22202
Telephone:: 703-521-2297
Fax One:: 703-685-0573
Fax Two:: 703-979-4709

APPLICATION INFORMATION

Title Line One:: APPARATUS FOR EXERCISE AND/OR
Title Line Two:: REHABILITATION OF NECK EXTENSORS
Total Drawing Sheets:: 6
Formal Drawings?: YES
Application Type:: UTILITY
Docket Number:: 13530J

REPRESENTATIVE INFORMATION

Representative Customer Number:: 000466

CONTINUITY INFORMATION

This application is a:: 371 OF
>Application One:: PCT/FI98/01024
Filing Date:: DECEMBER 28, 1998

PRIOR FOREIGN APPLICATION

Foreign Application One:: 974645
Filing Date:: DECEMBER 30, 1997
Country:: FINLAND
Priority Claimed:: YES

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OCT 12 2004

OFFICE OF PETITIONS

requirements under 35 U.S.C. 371 were fulfilled. This date is the latest of:

(A) the date of submission of the basic national fee;

(B) the date of submission or communication of the copy of the international application;

(C) the date of submission of the translation of the international application if the international application is not in the English language;

(D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371 (c)(4) (see 37 CFR 1.497(c) for an explanation of when an oath or declaration will be accepted as complying with 35 U.S.C. 371(c)(4));

(E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date (Form PCT/DO/EO/903 will indicate the date early processing was requested);

(F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the annexes are filed within the time period set in a Notice of Missing Requirements (Form PCT/DO/EO/905) requiring either a translation of the international application or an oath or declaration; and

(G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months from the priority date.<

1893.03(c) The Priority Date, Priority Claim, and Priority Papers for a U.S. National Stage Application [R-2]

A U.S. national stage application **> may be entitled to: (A) a right of priority under 35 U.S.C. 119(a) and 365(b) based on a prior foreign application or international application designating at least one country other than the United States; and (B) the benefit of an earlier filed U.S. national application or international application designating the United States pursuant to 35 U.S.C. 119(e) or 35 U.S.C. 120 and 365(c).

RIGHT OF< PRIORITY * UNDER 35 U.S.C. 119(a) and 365(b)

**> Pursuant to 35 U.S.C. 365(b)< a U.S. national stage application **> shall be entitled to a right of priority based on a prior foreign application or international application designating at least one country other than the United States in accordance with the conditions and requirements of< 35 U.S.C. 119(a) and **> the treaty and the PCT regulations. See in particular PCT Article 8 and PCT Rules 4.10 and 26^{bis}. To obtain priority in the U.S. national stage application to such applications, the priority must have been timely claimed in the international stage of the international application. See 37 CFR 1.55(a)(1)(ii). If priority< was properly claimed in the international stage of the international application, the claim for priority is acknowledged and the national stage application file is checked to see if the file contains a copy of the certified copy of the priority document submitted to the International Bureau.

If the ** priority claim in the national stage application is to an application, the priority of which was not claimed in the international stage of the international application, the claim for priority must be denied for failing to meet the requirements of the Patent Cooperation Treaty, specifically PCT Rule 4.10.

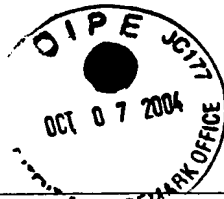
For a comparison with 35 U.S.C. 119(a)-(d) priority claims in a national application filed under 35 U.S.C. 111(a), see MPEP § 1895.01.

THE CERTIFIED COPY

The requirement in PCT Rule 17 for a certified copy of the foreign priority application is normally fulfilled by applicant providing a certified copy to the receiving Office or to the International Bureau within 16 months from the priority date. Subsequently, the International Bureau forwards a photocopy of the certified priority document when it forwards a copy of the international application (shortly after publication at 18 months from the priority date) to each Designated Office. The copy from the International Bureau is placed in the U.S. national stage file. The International Bureau stamps the face of the photocopy of the certified priority document with an indication that the certified priority document was received at the International Bureau. The stamped copy of the priority document sent to the U.S. Patent and Trademark

Office from the International Bureau is acceptable to establish that applicant has filed a certified copy of the priority document. The examiner should acknowledge in the next Office action that the certified copy of the foreign priority document has been filed. Note

the example of an acceptable priority document with the stamp (box) in the upper right hand section indicating receipt by the International Bureau (WIPO) on 30 November 1992 and the stamped term "PRIORITY DOCUMENT."



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/582718	TAIMELA	S 13530J
INTERNATIONAL APPLICATION NO.		
PCT/FI98/01024		
I.A. FILING DATE		PRIORITY DATE
28 DEC 98		30 DEC 97

DATE MAILED: 02 AUG 2000

**NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371
AND 37 CFR 1.494 OR 1.495**

1. The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as ☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is **ACCEPTED** for national patentability examination in the United States Patent and Trademark Office.

2. The United States Application Number assigned to the application is shown above and the relevant dates are:

06/30/00	06/30/00
35 U.S.C. 102(e) DATE	DATE OF RECEIPT OF 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371(C) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

3. ☒ A request for immediate examination under 35 U.S.C. 371(f) was received on 06/30/00 and the application will be examined in turn.

4. The following items have been received:

- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
 - ☐ a non-English language.
 - ☒ English.
- ☒ Translation of the international application into English.
- ☒ Oath or Declaration of inventor(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments. ☐ Translation of Article 19 amendments into English.
The Article 19 amendments ☐ have ☐ have not been entered.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Copy of the Annexes to the International Preliminary Examination Report (IPER).
☐ Translation of Annexes to the IPER into English.
The Annexes ☐ have ☐ have not been entered.
- ☒ Preliminary amendment(s) filed 06/30/00 and _____
- ☐ Information Disclosure Statement(s) filed _____ and _____
- ☒ Assignment document.
- ☒ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed _____
- ☐ Verified Statement Claiming Small Entity Status.
- ☒ Priority Document.
- ☒ Copy of the International Search Report ☐ and copies of the references cited therein.
- ☒ Other: PCT/RO/101

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Barbara A. Campbell

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OCT 12 2004
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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : 6,454,680
DATED : September 24, 2002
INVENTOR(S) : Simo TAIMELA

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the title page, between Items (87) and (51) insert Item (30) as follows:

--(30) **Foreign Application Priority Data**

Dec. 30, 1997 (FI).....974645--.

MAILING ADDRESS OF SENDER

PATENT NO. 6,454,680

YOUNG & THOMPSON
745 South 23rd Street
Arlington, VA 22202
703-521-2297

No. of Additional Copies

⇒ 1

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.